

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

ROBERT SMALLWOOD,	)	CASE NO. 1:10 CV 2381
	)	
Petitioner,	)	JUDGE PATRICIA A. GAUGHAN
	)	
v.	)	
	)	<u>MEMORANDUM OF OPINION</u>
J.T. SHARTLE,	)	<u>AND ORDER</u>
	)	
Respondent.	)	

On October 19, 2010, petitioner *pro se* Robert Smallwood filed the above-captioned *in forma pauperis* habeas corpus action under 28 U.S.C. § 2241. Smallwood is incarcerated at the Federal Correctional Institution at Elkton. For the reasons stated below, the petition is denied and this action is dismissed.

As grounds for the petition, Smallwood appears to assert that his conviction in this court, pursuant to a guilty plea, was invalid because the court lacked jurisdiction. Petitioner has not set forth any reasonable basis in support of this assertion. Further, the petition amounts to an attempt to file a second petition under 28 U.S.C. § 2255, which requires leave from the

United States Court of Appeals. 28 U.S.C. § 2244(b)(3).<sup>1</sup>

Accordingly, the petition is denied and this action is dismissed pursuant to 28 U.S.C. § 2243. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
UNITED STATES DISTRICT JUDGE

Dated: 1/3/11

---

<sup>1</sup> For a summary of Smallwood's previous 2255 petitions, see *United States v. Smallwood*, No. 08-4729 (6<sup>th</sup> Cir. Feb. 5, 2010).